

NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN		No. 01-100
TO:	All School Nutrition Program Sponsors County Superintendents of Schools Diocesan Superintendents of Schools	ISSUE DATE: March 2001
ATTENTION:	Food Service Directors	
SUBJECT:	Meal Waiver Information for Summer and Saturday School	
REFERENCE:	California Education Code (EC) Sections 33050, 33051(c), 49531, 49548, 49550, 49552, and 49553(a), and Title 5, Section 15510(a)	

This Management Bulletin provides information about summer and/or Saturday school session waivers of California Education Code (EC) Section 49550.

EC Section 49550 requires that “. . . school districts and county superintendents of schools maintaining any kindergarten or any of grades 1 to 12 shall . . . provide for each needy pupil enrolled therein one nutritionally adequate free or reduced price meal during each schoolday . . .” A needy child is defined in EC Section 49552 as one meeting federal eligibility criteria for free or reduced price meals.

Districts participating in the National School Lunch Program (NSLP) or the School Breakfast Program (SBP) must make meals available to **all** pupils in attendance. Districts that do not have a federal NSLP or SBP agreement are required to provide meals only to needy pupils. Districts must take precautions to prevent overt identification of needy pupils. The meals must meet the requirements of a nutritionally adequate lunch or breakfast as defined in EC Sections 49531 and 49553(a).

Districts unable to comply with EC Section 49550 must submit an approved local governing board waiver request to the California Department of Education (CDE). The attached “Specific Waiver Request” and “General Waiver Request” list the guidelines and criteria for approval of both summer and Saturday school waivers. The waiver request forms, State Board of Education (SBE) criteria, and waiver processes are different for summer and Saturday school.

Districts must submit all waiver requests at least **two** months prior to the effective date of the waiver. Failure to submit a waiver request in a timely manner may result in denial. The attached “Schedule for Submission of Waivers” for the SBE reflects the submission deadlines.

Attached are the following meal waiver documents:

- Schedule for Submission of Waivers 2001
- Specific Waiver Request – Summer School Session
- General Waiver Request – Saturday School Session

If you are unable to comply with EC Section 49550 and you meet the criteria for approval, complete the appropriate waiver form and mail to:

Judy Pinegar, Education Administrator I
California Department of Education
Waiver Office
721 Capitol Mall, Suite 609
Sacramento, CA 95814

Districts will receive written notification from the Waiver Office of:

- The date their waiver request is scheduled to be heard by the State Board; and
- The outcome of the State Board Hearing.

Please do not submit requests that do not meet at least two of the four criteria, they will be denied. CDE encourages school districts to make every effort to meet the requirements of EC Section 49550 before requesting a waiver. If you have any questions, please contact Rochelle Magness, Program Analyst, Nutrition Program Management Unit, at (916) 324-8795, (800) 952-5609, or rmagness@cde.ca.gov.

Marilyn Briggs, Director
Nutrition Services Division
Assistant Superintendent of Public Instruction

The U.S. Department of Agriculture (USDA) and the California Department of Education (CDE) prohibit discrimination in all their programs and activities on the basis of race, color, national origin, gender, religion, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). The USDA and the CDE are equal opportunity providers and employers.

**WAIVER CALENDAR
2000 – 2001**

STATE BOARD OF EDUCATION DUE DATES FOR WAIVERS

For: SBE Meeting Date (District will receive a notice of the waiver schedule)	Due To: CDE Waiver Office (From requesting district*)
May 9-11, 2001	March 23, 2001
June 6-8, 2001	April 24, 2001
July 11-13, 2001	May 24, 2001
August, 2001	No meeting scheduled
September 5-7, 2001	July, 20, 2001
October 10-12, 2001	August 23, 2001
November 7-9, 2001	September 20, 2001
December 5-7, 2001	October 18, 2001

NOTE: Timelines are dependent on your waiver being error free, on the correct form, with all blanks filled in, and with all attachments/plans as required by the type of waiver included.

*The receipt of the waiver by the date indicated in the column “Due To: **CDE Waiver Office** (From requesting district*)” **does not guarantee** that the waiver will be scheduled for the next board meeting indicated. Per E.C. 33052 – the CDE has two regular meetings (two months) to process General Waivers once they are complete and fully documented. There is no such limit for Specific Waivers, and sometimes this type of waiver takes longer than two months to process.

SPECIFIC WAIVER REQUEST – SUMMER SCHOOL SESSION

Check one of the request types below:

☐ Original **OR** ☐ Renewal (Renewal requests may be submitted if an approved summer school meal waiver was in effect during the prior summer.)

EDUCATION CODE SECTION 49550 – STATE MEAL MANDATE “Notwithstanding any other provision of law, each school district and county superintendent of schools maintaining any kindergarten or any of grades 1 to 12 shall, commencing on July 1, 1977, provide each needy pupil enrolled therein one nutritionally adequate free or reduced price meal during each school day. . . .”

Mail original to: Judy Pinegar, Education Administrator I Waiver Office 721 Capitol Mall, Suite 609 Sacramento, CA 95814 Phone: (916) 654-6853	AGREEMENT NO:		VENDOR NO:	
	SCHOOL/AGENCY NAME			
	ADDRESS:			
	CITY:	STATE:	ZIP:	
	CONTACT PERSON:			
	TELEPHONE:			

Part I Position of bargaining unit (Not required for non-controversial RENEWAL request)

Does the district have any bargaining unit(s) that are affected by this request? []Yes []No
 Was each bargaining unit consulted regarding this request? []Yes, Date _____ []No
 If “Yes,” what was the position of the bargaining unit(s)? []Neutral []Support []Other
 If “Other,” summarize the position: _____

If existing unit(s) was/were not consulted, please justify: _____

Part II Controversy regarding the waiver (Not required for ORIGINAL request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? []Yes []No

Effective period of request. Enter actual summer session dates		FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
From:	To:	Scheduled for SBE:	Waiver No:
Local Board Approval Date:		NSD Recommendation: [] Approve [] Deny	
District Certification: I certify that the information provided on this request is correct and complete.		Staff:	Date:
Signature (Superintendent or designee)		Unit Manager:	Date:
Title		Director:	Date:
Date:		Deputy:	Date:

STATE BOARD GUIDELINES

EC Section 49550 requires that all needy children be provided a nutritionally adequate free or reduced price breakfast or lunch during each school day. After careful consideration, districts may request a waiver of this requirement. EC Section 49548 provides authority to waive EC Section 49550 for the summer school session. A summer meal waiver may be granted for up to one year if the district seeking a waiver meets at least two of the four criteria listed below. **If any two conditions exist, a waiver will be granted. If less than two criteria exist, a waiver will be denied.** Subsequent annual renewals may be granted if a waiver was approved for the prior summer and circumstances have not changed.

CRITERIA

The summer school session is less than four hours in duration and is completed by noon (12:00 p.m.) allowing pupils to go home during the lunch period.

Less than 10 percent of the needy pupils attending the summer session are at the school site for more than three hours per day.

A Summer Food Service Program for children is available within the school's attendance area.

Serving meals during the summer school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources or if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

1. What is the proposed starting time of the summer school day? _____
What is the proposed ending time of the summer school day? _____
2. What is the estimated number of **needy** students enrolled in summer school? _____
How many of the estimated number of needy students indicated above will be at the site(s) for more than three hours per day? _____
3. Is there a USDA Summer Food Service Program site available within the school's attendance area? []Yes []No If yes, how far is the Summer Food Service Program site from the summer school site(s)? _____ (Enter distance as block, mile, etc.)
Will transportation be provided if the Summer Food Service Program site is not within walking distance from each of the summer school sites? []Yes []No
4. If meals are provided during summer school, will the district suffer a financial loss?
[]Yes []No
If "Yes," will the loss equal:
[]One-third of the food service net cash resource; or
[]One month's operating costs. (Net cash resources are nonexistent)
To describe this loss, answer **each** of the following three questions:
 - 1) What is your Food Service Net Cash Resource (Cafeteria Fund balance):
\$_____ (Enter a positive or negative amount or zero.)
 - 2) What is your estimated monthly cost to operate a lunch or breakfast program during summer school? \$_____
 - 3) What is your estimated monthly income from state and federal reimbursement and other food sales for summer school? \$_____

Please list each of the sites that will be offering summer school this year. Attach additional sheets if necessary.

GENERAL WAIVER REQUEST – SATURDAY SCHOOL SESSION

Check one of the request types below:

☐ Original **OR** ☐ Renewal (Renewal requests may be submitted if the current Saturday school waiver has not lapsed.)

Special Note: Districts/County Offices of Education with approved Saturday school meal waivers for the past two consecutive years need not reapply annually provided the information contained on the most recent waiver request remains current [EC Section 33051(c)].

Mail original to: Judy Pinegar, Education Administrator I Waiver Office 721 Capitol Mall, Suite 609 Sacramento, CA 95814 Phone: (916) 654-6853	AGREEMENT NO:		VENDOR NO:	
	SCHOOL/AGENCY NAME			
	ADDRESS:			
	CITY:		STATE:	ZIP:
	CONTACT PERSON:		TELEPHONE	

Part I Position of bargaining unit (Not required for non-controversial RENEWAL request)

Does the district have any bargaining unit(s) that are affected by this request? [] Yes [] No
 Was each bargaining unit consulted regarding this request? [] Yes, Date _____ [] No
 If "Yes," what was the position of the bargaining unit(s)? [] Neutral [] Support [] Other
 If "Other," summarize the position: _____
 If existing unit(s) was/were not consulted, please justify: _____

Part II Public Hearing (Not required for non-controversial RENEWAL request)

Date of required public hearing: _____
 How was the public hearing advertised? [] Notice in Newspaper [] Notice posted at each site
 [] Other, please explain: _____

Part III Advisory Committee (Not required for non-controversial RENEWAL request)

Council or committee, if any, that reviewed this waiver request: _____
 Date the council/committee reviewed this request: _____
 If there were any objections, please summarize: _____

Part IV Controversy regarding the waiver (Not required for ORIGINAL request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? [] Yes [] No

Effective period of request, not to exceed two years:		FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
From:	To:	Scheduled for SBE:	Waiver No:
Local Board Approval Date:		NSD Recommendation: [] Approve [] Deny	
District Certification: I certify that the information provided on this request is correct and complete.		Staff:	Date:
Signature (Superintendent or designee)		Unit Manager:	Date:
Title		Director:	Date:
Date:		Deputy:	Date:

STATE BOARD GUIDELINES

EC Section 49550 requires that all needy children be provided a nutritionally adequate free or reduced price breakfast or lunch during each school day. After careful consideration, a district may request a waiver of this requirement. EC Section 33050 provides authority to waive EC Section 49550 for Saturday school. The district seeking a waiver must meet at least two of the four criteria listed below. **If any two conditions exist, a waiver will be granted.** Saturday school waivers may be granted for a two-year period. A Saturday school waiver that is granted for two consecutive years remains effective indefinitely, provided that the information contained on the original request remains current.

CRITERIA

The Saturday school session is less than four hours in duration and is completed by noon (12:00 p.m.) allowing pupils to go home during the lunch period.

Less than 10 percent of the needy pupils attending the Saturday session are at the school site for more than three hours per day.

The Saturday school site does not have proper refrigeration facilities to store meals prepared on Friday and served on Saturday.

Serving meals during the Saturday school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources.

1. What is the proposed starting time of the Saturday school day? _____
What is the proposed ending time of the Saturday school day? _____
How many Saturdays will you be operating a school session during effective time of request? _____
2. What is the estimated number of **needy** students enrolled in Saturday school session?
_____ How many of the estimated number of needy students indicated above will be at the site(s) for more than three hours per day? _____
3. Do all Saturday school sites have refrigeration facilities? []Yes []No
4. Will the district suffer a financial loss if meals are provided during Saturday school?
[]Yes []No

If "Yes", will the loss equal one-third of the Food Service Net Cash Resource (Cafeteria Fund balance)? To describe this loss, answer **each** of the following three questions:

- 1) What is your current Food Service Net Cash Resource (Cafeteria Fund balance)?
\$_____ (Enter a positive or negative amount or zero.)
- 2) What is your estimated cost to operate the lunch or breakfast program on Saturdays?
\$_____ (Enter total cost for one month of Saturday sessions.)
- 3) What is your estimated monthly income from state and federal reimbursements and other food sales for Saturday school? \$_____ (Enter total income.)

Please list **all** sites that will be offering Saturday school this year. Attach additional sheets of paper if necessary.
